



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3310

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02	from Ch. 102, par. 41.02
5 ILCS 120/2	from Ch. 102, par. 42
5 ILCS 120/2.06	from Ch. 102, par. 42.06
5 ILCS 120/7	
5 ILCS 140/2	from Ch. 116, par. 202
5 ILCS 140/7	from Ch. 116, par. 207
5 ILCS 315/24 rep.	
115 ILCS 5/18 rep.	

Amends the Open Meetings Act. Specifies that the term "meeting" includes collective bargaining meetings. Defines the term "collective bargaining meeting". Amends the Freedom of Information Act. Deletes a provision that, subject to certain exceptions, exempts from the Act's copying and disclosure requirements records relating to collective negotiating matters between public bodies and their employees or representatives. Amends the Illinois Public Labor Relations Act and Illinois Educational Labor Relations Act. Deletes provisions that make the Open Meetings Act inapplicable to collective bargaining negotiations and grievance arbitrations under those Acts. Effective immediately.

LRB098 10769 JDS 41185 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Sections 1.02, 2, 2.06, and 7 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Collective bargaining meeting" means any gathering held
9 between one or more officers or members of a public body, their
10 agents, or their representatives and a labor organization, its
11 officers, its agents, or its representatives, in person or by
12 video or audio conference, telephone call, electronic means
13 (including, but not limited to, electronic mail, electronic
14 chat, or instant messaging), or any other means of
15 contemporaneous interactive communication, for the purpose of
16 discussing or negotiating (i) the terms of an initial
17 collective bargaining agreement or a successor to an existing
18 or expired collective bargaining agreement or (ii) the
19 amendment, modification, or extension of a collective
20 bargaining agreement.

21 "Meeting" means any gathering, whether in person or by
22 video or audio conference, telephone call, electronic means
23 (such as, without limitation, electronic mail, electronic

1 chat, and instant messaging), or other means of contemporaneous
2 interactive communication, of a majority of a quorum of the
3 members of a public body held for the purpose of discussing
4 public business or, for a 5-member public body, a quorum of the
5 members of a public body held for the purpose of discussing
6 public business.

7 Accordingly, for a 5-member public body, 3 members of the
8 body constitute a quorum and the affirmative vote of 3 members
9 is necessary to adopt any motion, resolution, or ordinance,
10 unless a greater number is otherwise required.

11 "Meeting" also includes any collective bargaining meeting.

12 "Public body" includes all legislative, executive,
13 administrative or advisory bodies of the State, counties,
14 townships, cities, villages, incorporated towns, school
15 districts and all other municipal corporations, boards,
16 bureaus, committees or commissions of this State, and any
17 subsidiary bodies of any of the foregoing including but not
18 limited to committees and subcommittees which are supported in
19 whole or in part by tax revenue, or which expend tax revenue,
20 except the General Assembly and committees or commissions
21 thereof. "Public body" includes tourism boards and convention
22 or civic center boards located in counties that are contiguous
23 to the Mississippi River with populations of more than 250,000
24 but less than 300,000. "Public body" includes the Health
25 Facilities and Services Review Board. "Public body" does not
26 include a child death review team or the Illinois Child Death

1 Review Teams Executive Council established under the Child
2 Death Review Team Act, an ethics commission acting under the
3 State Officials and Employees Ethics Act, or the Illinois
4 Independent Tax Tribunal.

5 (Source: P.A. 96-31, eff. 6-30-09; 97-1129, eff. 8-28-12.)

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies,
9 including collective bargaining meetings, shall be open to the
10 public unless excepted in subsection (c) and closed in
11 accordance with Section 2a.

12 (b) Construction of exceptions. The exceptions contained
13 in subsection (c) are in derogation of the requirement that
14 public bodies meet in the open, and therefore, the exceptions
15 are to be strictly construed, extending only to subjects
16 clearly within their scope. The exceptions authorize but do not
17 require the holding of a closed meeting to discuss a subject
18 included within an enumerated exception.

19 (c) Exceptions. A public body may hold closed meetings to
20 consider the following subjects:

21 (1) The appointment, employment, compensation,
22 discipline, performance, or dismissal of specific
23 employees of the public body or legal counsel for the
24 public body, including hearing testimony on a complaint
25 lodged against an employee of the public body or against

1 legal counsel for the public body to determine its
2 validity.

3 (2) (Blank). ~~Collective negotiating matters between~~
4 ~~the public body and its employees or their representatives,~~
5 ~~or deliberations concerning salary schedules for one or~~
6 ~~more classes of employees.~~

7 (3) The selection of a person to fill a public office,
8 as defined in this Act, including a vacancy in a public
9 office, when the public body is given power to appoint
10 under law or ordinance, or the discipline, performance or
11 removal of the occupant of a public office, when the public
12 body is given power to remove the occupant under law or
13 ordinance.

14 (4) Evidence or testimony presented in open hearing, or
15 in closed hearing where specifically authorized by law, to
16 a quasi-adjudicative body, as defined in this Act, provided
17 that the body prepares and makes available for public
18 inspection a written decision setting forth its
19 determinative reasoning.

20 (5) The purchase or lease of real property for the use
21 of the public body, including meetings held for the purpose
22 of discussing whether a particular parcel should be
23 acquired.

24 (6) The setting of a price for sale or lease of
25 property owned by the public body.

26 (7) The sale or purchase of securities, investments, or

1 investment contracts. This exception shall not apply to the
2 investment of assets or income of funds deposited into the
3 Illinois Prepaid Tuition Trust Fund.

4 (8) Security procedures and the use of personnel and
5 equipment to respond to an actual, a threatened, or a
6 reasonably potential danger to the safety of employees,
7 students, staff, the public, or public property.

8 (9) Student disciplinary cases.

9 (10) The placement of individual students in special
10 education programs and other matters relating to
11 individual students.

12 (11) Litigation, when an action against, affecting or
13 on behalf of the particular public body has been filed and
14 is pending before a court or administrative tribunal, or
15 when the public body finds that an action is probable or
16 imminent, in which case the basis for the finding shall be
17 recorded and entered into the minutes of the closed
18 meeting.

19 (12) The establishment of reserves or settlement of
20 claims as provided in the Local Governmental and
21 Governmental Employees Tort Immunity Act, if otherwise the
22 disposition of a claim or potential claim might be
23 prejudiced, or the review or discussion of claims, loss or
24 risk management information, records, data, advice or
25 communications from or with respect to any insurer of the
26 public body or any intergovernmental risk management

1 association or self insurance pool of which the public body
2 is a member.

3 (13) Conciliation of complaints of discrimination in
4 the sale or rental of housing, when closed meetings are
5 authorized by the law or ordinance prescribing fair housing
6 practices and creating a commission or administrative
7 agency for their enforcement.

8 (14) Informant sources, the hiring or assignment of
9 undercover personnel or equipment, or ongoing, prior or
10 future criminal investigations, when discussed by a public
11 body with criminal investigatory responsibilities.

12 (15) Professional ethics or performance when
13 considered by an advisory body appointed to advise a
14 licensing or regulatory agency on matters germane to the
15 advisory body's field of competence.

16 (16) Self evaluation, practices and procedures or
17 professional ethics, when meeting with a representative of
18 a statewide association of which the public body is a
19 member.

20 (17) The recruitment, credentialing, discipline or
21 formal peer review of physicians or other health care
22 professionals for a hospital, or other institution
23 providing medical care, that is operated by the public
24 body.

25 (18) Deliberations for decisions of the Prisoner
26 Review Board.

1 (19) Review or discussion of applications received
2 under the Experimental Organ Transplantation Procedures
3 Act.

4 (20) The classification and discussion of matters
5 classified as confidential or continued confidential by
6 the State Government Suggestion Award Board.

7 (21) Discussion of minutes of meetings lawfully closed
8 under this Act, whether for purposes of approval by the
9 body of the minutes or semi-annual review of the minutes as
10 mandated by Section 2.06.

11 (22) Deliberations for decisions of the State
12 Emergency Medical Services Disciplinary Review Board.

13 (23) The operation by a municipality of a municipal
14 utility or the operation of a municipal power agency or
15 municipal natural gas agency when the discussion involves
16 (i) contracts relating to the purchase, sale, or delivery
17 of electricity or natural gas or (ii) the results or
18 conclusions of load forecast studies.

19 (24) Meetings of a residential health care facility
20 resident sexual assault and death review team or the
21 Executive Council under the Abuse Prevention Review Team
22 Act.

23 (25) Meetings of an independent team of experts under
24 Brian's Law.

25 (26) Meetings of a mortality review team appointed
26 under the Department of Juvenile Justice Mortality Review

1 Team Act.

2 (27) Confidential information, when discussed by one
3 or more members of an elder abuse fatality review team,
4 designated under Section 15 of the Elder Abuse and Neglect
5 Act, while participating in a review conducted by that team
6 of the death of an elderly person in which abuse or neglect
7 is suspected, alleged, or substantiated; provided that
8 before the review team holds a closed meeting, or closes an
9 open meeting, to discuss the confidential information,
10 each participating review team member seeking to disclose
11 the confidential information in the closed meeting or
12 closed portion of the meeting must state on the record
13 during an open meeting or the open portion of a meeting the
14 nature of the information to be disclosed and the legal
15 basis for otherwise holding that information confidential.

16 (28) Correspondence and records (i) that may not be
17 disclosed under Section 11-9 of the Public Aid Code or (ii)
18 that pertain to appeals under Section 11-8 of the Public
19 Aid Code.

20 (29) Meetings between internal or external auditors
21 and governmental audit committees, finance committees, and
22 their equivalents, when the discussion involves internal
23 control weaknesses, identification of potential fraud risk
24 areas, known or suspected frauds, and fraud interviews
25 conducted in accordance with generally accepted auditing
26 standards of the United States of America.

1 (d) Definitions. For purposes of this Section:

2 "Employee" means a person employed by a public body whose
3 relationship with the public body constitutes an
4 employer-employee relationship under the usual common law
5 rules, and who is not an independent contractor.

6 "Public office" means a position created by or under the
7 Constitution or laws of this State, the occupant of which is
8 charged with the exercise of some portion of the sovereign
9 power of this State. The term "public office" shall include
10 members of the public body, but it shall not include
11 organizational positions filled by members thereof, whether
12 established by law or by a public body itself, that exist to
13 assist the body in the conduct of its business.

14 "Quasi-adjudicative body" means an administrative body
15 charged by law or ordinance with the responsibility to conduct
16 hearings, receive evidence or testimony and make
17 determinations based thereon, but does not include local
18 electoral boards when such bodies are considering petition
19 challenges.

20 (e) Final action. No final action may be taken at a closed
21 meeting. Final action shall be preceded by a public recital of
22 the nature of the matter being considered and other information
23 that will inform the public of the business being conducted.

24 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
25 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
26 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,

1 eff. 8-1-12.)

2 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

3 Sec. 2.06. Minutes; right to speak.

4 (a) All public bodies shall keep written minutes of all
5 their meetings, including collective bargaining meetings,
6 whether open or closed, and a verbatim record of all their
7 closed meetings in the form of an audio or video recording.
8 Minutes shall include, but need not be limited to:

9 (1) the date, time and place of the meeting;

10 (2) the members of the public body recorded as either
11 present or absent and whether the members were physically
12 present or present by means of video or audio conference;
13 and

14 (3) a summary of discussion on all matters proposed,
15 deliberated, or decided, and a record of any votes taken.

16 (b) A public body shall approve the minutes of its open
17 meeting within 30 days after that meeting or at the public
18 body's second subsequent regular meeting, whichever is later.
19 The minutes of meetings open to the public shall be available
20 for public inspection within 10 days after the approval of such
21 minutes by the public body. Beginning July 1, 2006, at the time
22 it complies with the other requirements of this subsection, a
23 public body that has a website that the full-time staff of the
24 public body maintains shall post the minutes of a regular
25 meeting of its governing body open to the public on the public

1 body's website within 10 days after the approval of the minutes
2 by the public body. Beginning July 1, 2006, any minutes of
3 meetings open to the public posted on the public body's website
4 shall remain posted on the website for at least 60 days after
5 their initial posting.

6 (c) The verbatim record may be destroyed without
7 notification to or the approval of a records commission or the
8 State Archivist under the Local Records Act or the State
9 Records Act no less than 18 months after the completion of the
10 meeting recorded but only after:

11 (1) the public body approves the destruction of a
12 particular recording; and

13 (2) the public body approves minutes of the closed
14 meeting that meet the written minutes requirements of
15 subsection (a) of this Section.

16 (d) Each public body shall periodically, but no less than
17 semi-annually, meet to review minutes of all closed meetings.
18 At such meetings a determination shall be made, and reported in
19 an open session that (1) the need for confidentiality still
20 exists as to all or part of those minutes or (2) that the
21 minutes or portions thereof no longer require confidential
22 treatment and are available for public inspection. The failure
23 of a public body to strictly comply with the semi-annual review
24 of closed session written minutes, whether before or after the
25 effective date of this amendatory Act of the 94th General
26 Assembly, shall not cause the written minutes or related

1 verbatim record to become public or available for inspection in
2 any judicial proceeding, other than a proceeding involving an
3 alleged violation of this Act, if the public body, within 60
4 days of discovering its failure to strictly comply with the
5 technical requirements of this subsection, reviews the closed
6 session minutes and determines and thereafter reports in open
7 session that either (1) the need for confidentiality still
8 exists as to all or part of the minutes or verbatim record, or
9 (2) that the minutes or recordings or portions thereof no
10 longer require confidential treatment and are available for
11 public inspection.

12 (e) Unless the public body has made a determination that
13 the verbatim recording no longer requires confidential
14 treatment or otherwise consents to disclosure, the verbatim
15 record of a meeting closed to the public shall not be open for
16 public inspection or subject to discovery in any administrative
17 or judicial proceeding other than one brought to enforce this
18 Act. In the case of a civil action brought to enforce this Act,
19 the court, if the judge believes such an examination is
20 necessary, must conduct such in camera examination of the
21 verbatim record as it finds appropriate in order to determine
22 whether there has been a violation of this Act. In the case of
23 a criminal proceeding, the court may conduct an examination in
24 order to determine what portions, if any, must be made
25 available to the parties for use as evidence in the
26 prosecution. Any such initial inspection must be held in

1 camera. If the court determines that a complaint or suit
2 brought for noncompliance under this Act is valid it may, for
3 the purposes of discovery, redact from the minutes of the
4 meeting closed to the public any information deemed to qualify
5 under the attorney-client privilege. The provisions of this
6 subsection do not supersede the privacy or confidentiality
7 provisions of State or federal law.

8 (f) Minutes of meetings closed to the public shall be
9 available only after the public body determines that it is no
10 longer necessary to protect the public interest or the privacy
11 of an individual by keeping them confidential.

12 (g) Any person shall be permitted an opportunity to address
13 public officials under the rules established and recorded by
14 the public body.

15 (Source: P.A. 96-1473, eff. 1-1-11.)

16 (5 ILCS 120/7)

17 Sec. 7. Attendance by a means other than physical presence.

18 (a) If a quorum of the members of the public body is
19 physically present as required by Section 2.01, a majority of
20 the public body may allow a member of that body to attend the
21 meeting by other means if the member is prevented from
22 physically attending because of: (i) personal illness or
23 disability; (ii) employment purposes or the business of the
24 public body; or (iii) a family or other emergency. "Other
25 means" is by video or audio conference.

1 (b) If a member wishes to attend a meeting by other means,
2 the member must notify the recording secretary or clerk of the
3 public body before the meeting unless advance notice is
4 impractical.

5 (c) A majority of the public body may allow a member to
6 attend a meeting by other means only in accordance with and to
7 the extent allowed by rules adopted by the public body. The
8 rules must conform to the requirements and restrictions of this
9 Section, may further limit the extent to which attendance by
10 other means is allowed, and may provide for the giving of
11 additional notice to the public or further facilitate public
12 access to meetings.

13 (d) The limitations of this Section shall not apply to (i)
14 closed meetings of (A) public bodies with statewide
15 jurisdiction, (B) Illinois library systems with jurisdiction
16 over a specific geographic area of more than 4,500 square
17 miles, or (C) municipal transit districts with jurisdiction
18 over a specific geographic area of more than 4,500 square miles
19 or (ii) open or closed meetings of State advisory boards or
20 bodies that do not have authority to make binding
21 recommendations or determinations or to take any other
22 substantive action. State advisory boards or bodies, public
23 bodies with statewide jurisdiction, Illinois library systems
24 with jurisdiction over a specific geographic area of more than
25 4,500 square miles, and municipal transit districts with
26 jurisdiction over a specific geographic area of more than 4,500

1 square miles, however, may permit members to attend meetings by
2 other means only in accordance with and to the extent allowed
3 by specific procedural rules adopted by the body.

4 (e) Notwithstanding any other provision of this Section,
5 the limitations of this Section do apply to all collective
6 bargaining meetings.

7 (Source: P.A. 96-664, eff. 8-25-09; 96-1043, eff. 1-1-11.)

8 Section 10. The Freedom of Information Act is amended by
9 changing Sections 2 and 7 as follows:

10 (5 ILCS 140/2) (from Ch. 116, par. 202)

11 Sec. 2. Definitions. As used in this Act:

12 (a) "Public body" means all legislative, executive,
13 administrative, or advisory bodies of the State, state
14 universities and colleges, counties, townships, cities,
15 villages, incorporated towns, school districts and all other
16 municipal corporations, boards, bureaus, committees, or
17 commissions of this State, any subsidiary bodies of any of the
18 foregoing including but not limited to committees and
19 subcommittees thereof, and a School Finance Authority created
20 under Article 1E of the School Code. "Public body" does not
21 include a child death review team or the Illinois Child Death
22 Review Teams Executive Council established under the Child
23 Death Review Team Act.

24 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, electronic communications, recorded
7 information and all other documentary materials pertaining to
8 the transaction of public business, regardless of physical form
9 or characteristics, having been prepared by or for, or having
10 been or being used by, received by, in the possession of, or
11 under the control of any public body. "Public records" also
12 includes all records from negotiations, discussions,
13 communications, and consultations, concerning the terms and
14 conditions of any collective bargaining agreement and
15 exchanged between (i) one or more officers or members of a
16 public body, their agents, or representatives and (ii) a labor
17 organization or its officers, agents, or representatives.

18 (c-5) "Private information" means unique identifiers,
19 including a person's social security number, driver's license
20 number, employee identification number, biometric identifiers,
21 personal financial information, passwords or other access
22 codes, medical records, home or personal telephone numbers, and
23 personal email addresses. Private information also includes
24 home address and personal license plates, except as otherwise
25 provided by law or when compiled without possibility of
26 attribution to any person.

1 (c-10) "Commercial purpose" means the use of any part of a
2 public record or records, or information derived from public
3 records, in any form for sale, resale, or solicitation or
4 advertisement for sales or services. For purposes of this
5 definition, requests made by news media and non-profit,
6 scientific, or academic organizations shall not be considered
7 to be made for a "commercial purpose" when the principal
8 purpose of the request is (i) to access and disseminate
9 information concerning news and current or passing events, (ii)
10 for articles of opinion or features of interest to the public,
11 or (iii) for the purpose of academic, scientific, or public
12 research or education.

13 (d) "Copying" means the reproduction of any public record
14 by means of any photographic, electronic, mechanical or other
15 process, device or means now known or hereafter developed and
16 available to the public body.

17 (e) "Head of the public body" means the president, mayor,
18 chairman, presiding officer, director, superintendent,
19 manager, supervisor or individual otherwise holding primary
20 executive and administrative authority for the public body, or
21 such person's duly authorized designee.

22 (f) "News media" means a newspaper or other periodical
23 issued at regular intervals whether in print or electronic
24 format, a news service whether in print or electronic format, a
25 radio station, a television station, a television network, a
26 community antenna television service, or a person or

1 corporation engaged in making news reels or other motion
2 picture news for public showing.

3 (g) "Recurrent requester", as used in Section 3.2 of this
4 Act, means a person that, in the 12 months immediately
5 preceding the request, has submitted to the same public body
6 (i) a minimum of 50 requests for records, (ii) a minimum of 15
7 requests for records within a 30-day period, or (iii) a minimum
8 of 7 requests for records within a 7-day period. For purposes
9 of this definition, requests made by news media and non-profit,
10 scientific, or academic organizations shall not be considered
11 in calculating the number of requests made in the time periods
12 in this definition when the principal purpose of the requests
13 is (i) to access and disseminate information concerning news
14 and current or passing events, (ii) for articles of opinion or
15 features of interest to the public, or (iii) for the purpose of
16 academic, scientific, or public research or education.

17 For the purposes of this subsection (g), "request" means a
18 written document (or oral request, if the public body chooses
19 to honor oral requests) that is submitted to a public body via
20 personal delivery, mail, telefax, electronic mail, or other
21 means available to the public body and that identifies the
22 particular public record the requester seeks. One request may
23 identify multiple records to be inspected or copied.

24 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
25 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

1 (5 ILCS 140/7) (from Ch. 116, par. 207)

2 Sec. 7. Exemptions.

3 (1) When a request is made to inspect or copy a public
4 record that contains information that is exempt from disclosure
5 under this Section, but also contains information that is not
6 exempt from disclosure, the public body may elect to redact the
7 information that is exempt. The public body shall make the
8 remaining information available for inspection and copying.
9 Subject to this requirement, the following shall be exempt from
10 inspection and copying:

11 (a) Information specifically prohibited from
12 disclosure by federal or State law or rules and regulations
13 implementing federal or State law.

14 (b) Private information, unless disclosure is required
15 by another provision of this Act, a State or federal law or
16 a court order.

17 (b-5) Files, documents, and other data or databases
18 maintained by one or more law enforcement agencies and
19 specifically designed to provide information to one or more
20 law enforcement agencies regarding the physical or mental
21 status of one or more individual subjects.

22 (c) Personal information contained within public
23 records, the disclosure of which would constitute a clearly
24 unwarranted invasion of personal privacy, unless the
25 disclosure is consented to in writing by the individual
26 subjects of the information. "Unwarranted invasion of

1 personal privacy" means the disclosure of information that
2 is highly personal or objectionable to a reasonable person
3 and in which the subject's right to privacy outweighs any
4 legitimate public interest in obtaining the information.
5 The disclosure of information that bears on the public
6 duties of public employees and officials shall not be
7 considered an invasion of personal privacy.

8 (d) Records in the possession of any public body
9 created in the course of administrative enforcement
10 proceedings, and any law enforcement or correctional
11 agency for law enforcement purposes, but only to the extent
12 that disclosure would:

13 (i) interfere with pending or actually and
14 reasonably contemplated law enforcement proceedings
15 conducted by any law enforcement or correctional
16 agency that is the recipient of the request;

17 (ii) interfere with active administrative
18 enforcement proceedings conducted by the public body
19 that is the recipient of the request;

20 (iii) create a substantial likelihood that a
21 person will be deprived of a fair trial or an impartial
22 hearing;

23 (iv) unavoidably disclose the identity of a
24 confidential source, confidential information
25 furnished only by the confidential source, or persons
26 who file complaints with or provide information to

1 administrative, investigative, law enforcement, or
2 penal agencies; except that the identities of
3 witnesses to traffic accidents, traffic accident
4 reports, and rescue reports shall be provided by
5 agencies of local government, except when disclosure
6 would interfere with an active criminal investigation
7 conducted by the agency that is the recipient of the
8 request;

9 (v) disclose unique or specialized investigative
10 techniques other than those generally used and known or
11 disclose internal documents of correctional agencies
12 related to detection, observation or investigation of
13 incidents of crime or misconduct, and disclosure would
14 result in demonstrable harm to the agency or public
15 body that is the recipient of the request;

16 (vi) endanger the life or physical safety of law
17 enforcement personnel or any other person; or

18 (vii) obstruct an ongoing criminal investigation
19 by the agency that is the recipient of the request.

20 (d-5) A law enforcement record created for law
21 enforcement purposes and contained in a shared electronic
22 record management system if the law enforcement agency that
23 is the recipient of the request did not create the record,
24 did not participate in or have a role in any of the events
25 which are the subject of the record, and only has access to
26 the record through the shared electronic record management

1 system.

2 (e) Records that relate to or affect the security of
3 correctional institutions and detention facilities.

4 (e-5) Records requested by persons committed to the
5 Department of Corrections if those materials are available
6 in the library of the correctional facility where the
7 inmate is confined.

8 (e-6) Records requested by persons committed to the
9 Department of Corrections if those materials include
10 records from staff members' personnel files, staff
11 rosters, or other staffing assignment information.

12 (e-7) Records requested by persons committed to the
13 Department of Corrections if those materials are available
14 through an administrative request to the Department of
15 Corrections.

16 (f) Preliminary drafts, notes, recommendations,
17 memoranda and other records in which opinions are
18 expressed, or policies or actions are formulated, except
19 that a specific record or relevant portion of a record
20 shall not be exempt when the record is publicly cited and
21 identified by the head of the public body. The exemption
22 provided in this paragraph (f) extends to all those records
23 of officers and agencies of the General Assembly that
24 pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the

1 trade secrets or commercial or financial information are
2 furnished under a claim that they are proprietary,
3 privileged or confidential, and that disclosure of the
4 trade secrets or commercial or financial information would
5 cause competitive harm to the person or business, and only
6 insofar as the claim directly applies to the records
7 requested.

8 The information included under this exemption includes
9 all trade secrets and commercial or financial information
10 obtained by a public body, including a public pension fund,
11 from a private equity fund or a privately held company
12 within the investment portfolio of a private equity fund as
13 a result of either investing or evaluating a potential
14 investment of public funds in a private equity fund. The
15 exemption contained in this item does not apply to the
16 aggregate financial performance information of a private
17 equity fund, nor to the identity of the fund's managers or
18 general partners. The exemption contained in this item does
19 not apply to the identity of a privately held company
20 within the investment portfolio of a private equity fund,
21 unless the disclosure of the identity of a privately held
22 company may cause competitive harm.

23 Nothing contained in this paragraph (g) shall be
24 construed to prevent a person or business from consenting
25 to disclosure.

26 (h) Proposals and bids for any contract, grant, or

1 agreement, including information which if it were
2 disclosed would frustrate procurement or give an advantage
3 to any person proposing to enter into a contractor
4 agreement with the body, until an award or final selection
5 is made. Information prepared by or for the body in
6 preparation of a bid solicitation shall be exempt until an
7 award or final selection is made.

8 (i) Valuable formulae, computer geographic systems,
9 designs, drawings and research data obtained or produced by
10 any public body when disclosure could reasonably be
11 expected to produce private gain or public loss. The
12 exemption for "computer geographic systems" provided in
13 this paragraph (i) does not extend to requests made by news
14 media as defined in Section 2 of this Act when the
15 requested information is not otherwise exempt and the only
16 purpose of the request is to access and disseminate
17 information regarding the health, safety, welfare, or
18 legal rights of the general public.

19 (j) The following information pertaining to
20 educational matters:

21 (i) test questions, scoring keys and other
22 examination data used to administer an academic
23 examination;

24 (ii) information received by a primary or
25 secondary school, college, or university under its
26 procedures for the evaluation of faculty members by

1 their academic peers;

2 (iii) information concerning a school or
3 university's adjudication of student disciplinary
4 cases, but only to the extent that disclosure would
5 unavoidably reveal the identity of the student; and

6 (iv) course materials or research materials used
7 by faculty members.

8 (k) Architects' plans, engineers' technical
9 submissions, and other construction related technical
10 documents for projects not constructed or developed in
11 whole or in part with public funds and the same for
12 projects constructed or developed with public funds,
13 including but not limited to power generating and
14 distribution stations and other transmission and
15 distribution facilities, water treatment facilities,
16 airport facilities, sport stadiums, convention centers,
17 and all government owned, operated, or occupied buildings,
18 but only to the extent that disclosure would compromise
19 security.

20 (1) Minutes of meetings of public bodies closed to the
21 public as provided in the Open Meetings Act until the
22 public body makes the minutes available to the public under
23 Section 2.06 of the Open Meetings Act.

24 (m) Communications between a public body and an
25 attorney or auditor representing the public body that would
26 not be subject to discovery in litigation, and materials

1 prepared or compiled by or for a public body in
2 anticipation of a criminal, civil or administrative
3 proceeding upon the request of an attorney advising the
4 public body, and materials prepared or compiled with
5 respect to internal audits of public bodies.

6 (n) Records relating to a public body's adjudication of
7 employee grievances or disciplinary cases; however, this
8 exemption shall not extend to the final outcome of cases in
9 which discipline is imposed.

10 (o) Administrative or technical information associated
11 with automated data processing operations, including but
12 not limited to software, operating protocols, computer
13 program abstracts, file layouts, source listings, object
14 modules, load modules, user guides, documentation
15 pertaining to all logical and physical design of
16 computerized systems, employee manuals, and any other
17 information that, if disclosed, would jeopardize the
18 security of the system or its data or the security of
19 materials exempt under this Section.

20 (p) (Blank). ~~Records relating to collective~~
21 ~~negotiating matters between public bodies and their~~
22 ~~employees or representatives, except that any final~~
23 ~~contract or agreement shall be subject to inspection and~~
24 ~~copying.~~

25 (q) Test questions, scoring keys, and other
26 examination data used to determine the qualifications of an

1 applicant for a license or employment.

2 (r) The records, documents, and information relating
3 to real estate purchase negotiations until those
4 negotiations have been completed or otherwise terminated.
5 With regard to a parcel involved in a pending or actually
6 and reasonably contemplated eminent domain proceeding
7 under the Eminent Domain Act, records, documents and
8 information relating to that parcel shall be exempt except
9 as may be allowed under discovery rules adopted by the
10 Illinois Supreme Court. The records, documents and
11 information relating to a real estate sale shall be exempt
12 until a sale is consummated.

13 (s) Any and all proprietary information and records
14 related to the operation of an intergovernmental risk
15 management association or self-insurance pool or jointly
16 self-administered health and accident cooperative or pool.
17 Insurance or self insurance (including any
18 intergovernmental risk management association or self
19 insurance pool) claims, loss or risk management
20 information, records, data, advice or communications.

21 (t) Information contained in or related to
22 examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of a public body responsible
24 for the regulation or supervision of financial
25 institutions or insurance companies, unless disclosure is
26 otherwise required by State law.

1 (u) Information that would disclose or might lead to
2 the disclosure of secret or confidential information,
3 codes, algorithms, programs, or private keys intended to be
4 used to create electronic or digital signatures under the
5 Electronic Commerce Security Act.

6 (v) Vulnerability assessments, security measures, and
7 response policies or plans that are designed to identify,
8 prevent, or respond to potential attacks upon a community's
9 population or systems, facilities, or installations, the
10 destruction or contamination of which would constitute a
11 clear and present danger to the health or safety of the
12 community, but only to the extent that disclosure could
13 reasonably be expected to jeopardize the effectiveness of
14 the measures or the safety of the personnel who implement
15 them or the public. Information exempt under this item may
16 include such things as details pertaining to the
17 mobilization or deployment of personnel or equipment, to
18 the operation of communication systems or protocols, or to
19 tactical operations.

20 (w) (Blank).

21 (x) Maps and other records regarding the location or
22 security of generation, transmission, distribution,
23 storage, gathering, treatment, or switching facilities
24 owned by a utility, by a power generator, or by the
25 Illinois Power Agency.

26 (y) Information contained in or related to proposals,

1 bids, or negotiations related to electric power
2 procurement under Section 1-75 of the Illinois Power Agency
3 Act and Section 16-111.5 of the Public Utilities Act that
4 is determined to be confidential and proprietary by the
5 Illinois Power Agency or by the Illinois Commerce
6 Commission.

7 (z) Information about students exempted from
8 disclosure under Sections 10-20.38 or 34-18.29 of the
9 School Code, and information about undergraduate students
10 enrolled at an institution of higher education exempted
11 from disclosure under Section 25 of the Illinois Credit
12 Card Marketing Act of 2009.

13 (aa) Information the disclosure of which is exempted
14 under the Viatical Settlements Act of 2009.

15 (bb) Records and information provided to a mortality
16 review team and records maintained by a mortality review
17 team appointed under the Department of Juvenile Justice
18 Mortality Review Team Act.

19 (cc) Information regarding interments, entombments, or
20 inurnments of human remains that are submitted to the
21 Cemetery Oversight Database under the Cemetery Care Act or
22 the Cemetery Oversight Act, whichever is applicable.

23 (dd) Correspondence and records (i) that may not be
24 disclosed under Section 11-9 of the Public Aid Code or (ii)
25 that pertain to appeals under Section 11-8 of the Public
26 Aid Code.

1 (ee) The names, addresses, or other personal
2 information of persons who are minors and are also
3 participants and registrants in programs of park
4 districts, forest preserve districts, conservation
5 districts, recreation agencies, and special recreation
6 associations.

7 (ff) The names, addresses, or other personal
8 information of participants and registrants in programs of
9 park districts, forest preserve districts, conservation
10 districts, recreation agencies, and special recreation
11 associations where such programs are targeted primarily to
12 minors.

13 (gg) Confidential information described in Section
14 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

15 (1.5) Any information exempt from disclosure under the
16 Judicial Privacy Act shall be redacted from public records
17 prior to disclosure under this Act.

18 (2) A public record that is not in the possession of a
19 public body but is in the possession of a party with whom the
20 agency has contracted to perform a governmental function on
21 behalf of the public body, and that directly relates to the
22 governmental function and is not otherwise exempt under this
23 Act, shall be considered a public record of the public body,
24 for purposes of this Act.

25 (3) This Section does not authorize withholding of
26 information or limit the availability of records to the public,

1 except as stated in this Section or otherwise provided in this
2 Act.

3 (Source: P.A. 96-261, eff. 1-1-10; 96-328, eff. 8-11-09;
4 96-542, eff. 1-1-10; 96-558, eff. 1-1-10; 96-736, eff. 7-1-10;
5 96-863, eff. 3-1-10; 96-1378, eff. 7-29-10; 97-333, eff.
6 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; 97-783,
7 eff. 7-13-12; 97-813, eff. 7-13-12; 97-847, eff. 9-22-12;
8 97-1065, eff. 8-24-12; 97-1129, eff. 8-28-12; revised
9 9-20-12.)

10 (5 ILCS 315/24 rep.)

11 Section 15. The Illinois Public Labor Relations Act is
12 amended by repealing Section 24.

13 (115 ILCS 5/18 rep.)

14 Section 20. The Illinois Educational Labor Relations Act is
15 amended by repealing Section 18.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.